

RESOLUTION NO. 15-001

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
RECOMMENDING THE CITY COUNCIL TO ADOPT ZONING AMENDMENT NO.
14-0011 TO ADD THE WORDS “MIXED-USE” TO THE TOWN CENTER ZONING
DESCRIPTION AND TO PROHIBIT GROUND FLOOR RESIDENTIAL USES
LOCATED IN THE TOWN CENTER ZONE**

WHEREAS, on December 11, 2014, an application was submitted by the City of Milpitas Planning and Neighborhood Services Department to amend the Milpitas Zoning Code to add “mixed use” residential to the Town Center Zoning description and to prohibit ground floor residential uses in the Town Center zone. The properties subject to the amendment are located within the Town Center Zoning District; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine this project will not have a significant effect on the environment; and

WHEREAS, on January 14, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1: The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2: The Planning Commission has reviewed and exercised its independent judgment on the environmental review for the Zoning Amendment to add the words “mixed use” to the Town Center Zoning description and to prohibit ground floor residential uses in the Town Center Zoning District, in accordance with the requirements of the CEQA, and State and local guidelines implementing CEQA, and determined that the Zoning Amendment will not have a significant effect on the environment under CEQA and State and local guidelines implementing CEQA. The Zoning Amendment is not subject to further CEQA review since the Zoning Text Amendment is covered by the general rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment. It can be seen with certainty that that there is no possibility that the amendment in question may have a significant impact on the environment because the proposed amendment will not expand the range of uses permitted in the TC Zone, nor will it increase the development intensity of uses in the TC Zone. The proposed amendment does not directly authorize any individual project. Additionally there are no projects under review that would be affected by the proposed amendment. Subsequent activities require

further analysis by the City in order to determine the potential impacts from development. Therefore, the proposed action qualifies for this exemption and no further environmental review is required.

SECTION 3: Zoning Text Amendment (Section XI-10-57.02.G.3) – The Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA14-0011:

1. The proposed amendment is consistent with the General Plan.

Prohibiting residential uses on the ground floor and encouraging more commercial and mixed-used developments meet the intent of the Town Center designation. The Town Center Zoning District is intended as the functional and visual focus of Milpitas while providing a meeting and market place for commercial, professional and entertainment uses. The more efficient use of land through higher density housing will ensure land is available for the continued focus of a mixed-use district that provides identity for the City while allowing a dense residential population to provide increased economic support to the commercial uses.

The project is also consistent with the following General Plan Guiding Principles and Policies:

Guiding Principle 2.a-G-2 – Maintain a relatively compact urban form.

Guiding Principle 2.a-G-4 – The Town Center will be the “heart” of Milpitas’ civic, cultural, business and professional life.

Guiding Principle 2.a-G-10 – Consider long term planning and strong land use policy in managing the City’s fiscal position.

Land Use Policy 2.a-I-27 – Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas’ identity and image.

The modification of the Town Center use table is consistent with the General Plan because it furthers the identified principles and policy by directing mixed-use development to achieve a compact, urban form; it also uses land more efficiently and will allow for additional commercial and other tax-generating uses at the street level, thereby strengthening the City’s fiscal position while achieving a mixed-use district in the heart of Milpitas.

2. The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas.

The proposed zoning amendment will result in a more efficient use of land. The land use regulations will not affect the range of uses permitted or conditionally permitted. Commercial uses already allowed in the Town Center zone will continue to be allowed. Similarly, conditionally permitted residential uses will continue to be conditionally permitted at the same development intensity. Therefore, the general well-being of Milpitas residents

will be maintained since the Town Center zone will still facilitate a broad range of land uses, but will encourage more commercial and mixed use development to provide economic opportunities for the City and residents.

SECTION 4: The Planning Commission of the City of Milpitas hereby adopts this Resolution No. 15-001 recommending the City Council adopt Zoning Amendment No. ZA14-0011 to add the words “mixed-use” to the Town Center zoning description and to prohibit ground floor residential uses as outlined in the draft ordinance attached hereto and incorporated fully herein by reference, subject to the findings herein.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Milpitas on January 14, 2015.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on January 14, 2015 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal				
Larry Ciardella				
Gurdev Sandhu				
Rajeev Madnawat				
Demetress Morris				
Hon Lien				
Ray Maglalang				
Zeya Mohsin (alternate)				